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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.								
10/759,642	01/16/2004	Kuang-Chao Eric Yeh	MS306372.01/40062.0232US0	1221								
7590 Homer L. Knearl Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903		10/17/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">DESIR, PIERRE LOUIS</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2617</td><td></td></tr></table>		EXAMINER		DESIR, PIERRE LOUIS		ART UNIT	PAPER NUMBER	2617	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/759,642	Applicant(s) ERIC YEH ET AL.	
	Examiner Pierre-Louis Desir	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/06/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 26 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claim discloses a computer readable-medium; however, from the reading of the claim, a computer process is being claimed. A computer process is non-statutory.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1, 7, 14, 19, 26, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. (Chen), U.S. Patent No. 7020685.

Regarding claims 1, 14, and 26 Chen discloses a method, system of mobile device messaging and a computer-readable medium comprising: a processor and a memory (inherent part of a system) and comprising collecting from an originating system information including content data to be sent to the mobile device (i.e., an SMS request

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for Internet-based content is received at an SMS Center (SMSC) from a wireless device which does not have a browser. The SMSC relays the SMS request to a proxy server that is coupled to a wireline network, such as the Internet. The proxy server transcodes the SMS request into a different character set and extracts a keyword from the transcoded request) (see col. 3, lines 13-22); generating one or more short messages encapsulating the content data, the short message formatted to be readable by a web service and the content data formatted to be readable by the mobile device (i.e., the proxy server looks up the extracted keyword in the keyword-to-URL mapping to identify the URL of an application residing on a server on the network. The proxy server constructs a hypermedia protocol operation containing the keyword and the URL, and submits the operation over the Internet to the application. Upon receiving a hypermedia protocol response containing the requested content from the application, the proxy server extracts the content from the response and converts the content from the content-type used by the application to a content-type used by the SMSC. The proxy server then transcodes the content from the character set used by the application to a character set used by the SMSC and sends the transcoded content in an SMS response to the SMSC, for subsequent delivery to wireless device as an SMS message) (see col. 3, lines 22-40); and sending the one or more short messages to the web service for delivery to the mobile device (see col. 3, lines 22-40).

Regarding claims 7, 19, and 32 Chen discloses a method and system (see claims 1 and 14 rejection) wherein generating a short message comprises generating an extensible Mark-up Language (XML) file including the content data contained in a Short Message

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Service (SMS) message (see col. 3, lines 55-61).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4, 6, 10-11, 15-16, 18, 22-23, 27-29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Miralles et al. (Miralles), Pub. No. US 2004/0259531.

Regarding claims 2 and 27, Chen discloses a method and a computer-readable medium (see claim 1 rejection) further comprising receiving the one or more short messages at a web service (see abstract).

Although Chen discloses a method and a computer readable medium as described, Chen does not specifically disclose a method and a computer readable medium comprising determining whether a sender of the short message is authentic and authorized to send the short message based on sender information in the short message; and if the sender of the short message is authentic and authorized to send the short message, sending the content data from the short message to the mobile device.

However, Miralles discloses a method and a computer readable medium comprising determining whether a sender of the short message is authentic and authorized to send the short message based on sender information in the short message (see paragraphs 65-74); and if the sender of the short message is authentic and authorized

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to send the short message, sending the content data from the short message to the mobile device (see paragraphs 65-74).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to provide a system wherein high costs and long implementation times can be avoided.

Regarding claims 3, 15, and 28, Chen discloses a method and system as described above (see claims 1 and 14 rejection).

Although Chen discloses a method and system as described, Chen does not specifically disclose a method and system wherein collecting information to be sent to the mobile device further comprises collecting sender information, the sender information comprising a sender identification and a sender password.

However, Miralles discloses a method and system wherein collecting information to be sent to the mobile device further comprises collecting sender information, the sender information comprising a sender identification and a sender password (see paragraph 65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to allow secure connection with the system.

Regarding claims 4, 16, and 29, Chen discloses a method and system as described above (see claims 1 and 14 rejection).

Although Chen discloses a method and system as described above, Chen does not specifically disclose a method and system wherein collecting information to be sent to the mobile device further comprises collecting destination information, the destination information comprising a service provider and a cellular telephone number of a destination mobile device.

However, Miralles discloses a method and system wherein collecting information to be sent to the mobile device further comprises collecting destination information, the destination information comprising a service provider and a cellular telephone number of a destination mobile device (see paragraph 18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to provide a system wherein high costs and long implementation times can be avoided.

Regarding claims 6, 18, and 31, Chen discloses a method and system as described above (see claims 1 and 14 rejection).

Although Chen discloses a method and system as described above, Chen does not specifically disclose a method and system wherein generating a short message further comprises: determining whether the content data is longer than a pre-determined size for the short message; responsive to determining the content data is longer than the pre-determined size for the short message, determining whether to split the content data into multiple portions; responsive to determining to split the content data into multiple portions, splitting the content data into multiple portions, each portion not longer than the predetermined size for the short message; and encapsulating each portion in a separate

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short message.

However, Miralles discloses a method and system wherein short message composition block 33, if necessary, performs segmentation of the message. In this event, in order to know the maximum size of the message admitted by the mobile telephony network, it is calculated from the DCS parameter and the coding of the characters. The short message composition block recovers the short message creation data: DCS, NPI, etc. and builds the new short messages. In the case in which the user data header indicator is not specified in the received message, the value of this is inserted, depending on whether the message has had to be segmented for exceeding the maximum size and the decoded text is introduced in the new short messages. Next the composed short messages are sent to short message transmission block 36 which establishes connection with the SMSC 5 for transmission of the messages to GSM network 10 (see paragraphs 70-72)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to provide a system wherein high costs and long implementation times can be avoided.

Regarding claims 10 and 22, Chen discloses a method and system comprising receiving a short message from a web service client, the short messaging formatted to be readable by a web service and containing content data formatted to be readable by a mobile device i.e., the proxy server looks up the extracted keyword in the keyword-to-URL mapping to identify the URL of an application residing on a server on the network. The proxy server constructs a hypermedia protocol operation containing the keyword and the URL, and submits the operation over the Internet to the application. Upon receiving a

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hypermedia protocol response containing the requested content from the application, the proxy server extracts the content from the response and converts the content from the content-type used by the application to a content-type used by the SMSC. The proxy server then transcodes the content from the character set used by the application to a character set used by the SMSC and sends the transcoded content in an SMS response to the SMSC, for subsequent delivery to wireless device as an SMS message) (see col. 3, lines 22-40).

Although Chen discloses a method and system as described, Chen does not specifically disclose a method and system comprising determining whether a sender of the short message is authentic and authorized to send the short message; and if the sender of the short message is authentic and authorized to send the short message, sending the content data to the mobile device.

However, Miralles discloses a method and system comprising determining whether a sender of the short message is authentic and authorized to send the short message based on sender information in the short message (see paragraphs 65-74); and if the sender of the short message is authentic and authorized to send the short message, sending the content data from the short message to the mobile device (see paragraphs 65-74).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to provide a system wherein high costs and long implementation times can be avoided.

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Regarding claims 11 and 23, Chen discloses a method and system wherein generating a short message comprises generating an extensible Mark-up Language (XML) file including the content data contained in a Short Message Service (SMS) message (see col. 3, lines 55-61).

7. Claims 5, 8-9, 17, 20, 30, and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Wood et al. (Wood), Pub. No. US 2004/0259531.

Regarding claims 5, 8-9, 17, 20-21, 30, 33-34, Chen discloses a method and system as described above (see claims 1, 14 rejection).

Although Chen discloses a method and system wherein collecting information to be sent to the mobile device further comprises collecting delivery information, Chen does not specifically disclose a method and system wherein the delivery information comprising a time and date for the web service to send the content data to the mobile device and wherein the XML file (see col. 3, lines 55-61 of Chen) including data contained in a MMS message, and sending the short message using SOAP.

However, Wood discloses a method and system wherein the delivery information comprising a time and date for the web service to send the content data to the mobile device (see paragraphs 65 and 149), and including data contained in a MMS message (see paragraph 67), and sending the short message using SOAP (see paragraph 160).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper sending of the

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message.

8. Claims 12-13, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen and Miralles in view of Wood et al. (Wood), Pub. No. US 2004/0259531.

The combination discloses a method and system as described.

Although the combination discloses a method and system as described above, the combination does not specifically disclose a method and system wherein the XML file (see col. 3, lines 55-61 of Chen) including data contained in a MMS message, and further comprising: generating a response readable by the web service client and indicating a status of delivery of the short message; and sending the response to the web service client.

However, Wood discloses a method including data contained in a MMS message (see paragraph 67), and further comprising: generating a response readable by the web service client and indicating a status of delivery of the short message; and sending the response to the web service client (see paragraph 286).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper sending of the message.

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Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is (571) 272-7799. The examiner can normally be reached on Monday-Friday 8:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Pierre-Louis Desir
10/15/2007



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SUPERVISORY PATENT EXAMINER